Remarks:

Status of Claims

New claim 34 is added such that claims 1-34 are pending, with claims 31-33 having been withdrawn by the Examiner.

Remarks

In the Office Action dated June 3, 2003, the Examiner:

withdrew claims 31-33 as having been constructively non-elected;

rejected claims 1, 2, 4 ,6, 11, 12, 14, 16, 21-23, 26, 27, and 30 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,690,387 (hereinafter referred to as "Dixon");

rejected claims 5, 7-10, 15, 17-20, 24, 25, 28, and 29 under 35 U.S.C. §103(a) as being unpatentable over Dixon in view of U.S. Patent No. 4,093,091 ("Gregg"); and

rejected claims 3 and 13 under 35 U.S.C. §103(a) as being unpatentable over Dixon.

The Examiner has reiterated his previous rejections while addressing previous amendments to the claims meant to overcome those rejections. The Applicant reiterates its previous response which, it is believed, placed the claims in condition for allowance.

The Applicant notes that claim 30, added in the previous response, is written in Jepson format to clearly distinguish the side load protection system of the prior art from the rotational float system of the present invention. The characterization of the prior art side load protection system is loosely based on Dixon, which expressly states that it "provides protection against damage due to excessive side loading by allowing the boom to be rotated by side loading of a pre-determined magnitude, which rotation relieves the side loading and is inherently allowed without requiring control by an operator." Col. 2, lines 45-50. The Examiner, however, rejected claim 30 asserting that "Dixon discloses substantially automatic control of a side-loading system when a predetermined pressure is exceeded as well as manual operation of a float system". The Applicant respectfully asserts that the Examiner is mistaken as to what is disclosed. The Examiner's confusion may stem from the fact that FIGs. 2 and 3 show different embodiments, such that valve 63 shown in FIG. 2 is not the same structure as valve 63 shown in FIG. 3. Though identical in construction

and connected in the same manner, they perform different functions, as evidenced by the fact that valve 63 in FIG. 3 is connected directly to spring-biased control lever 119 to allow for rotating the boom, whereas valve 63 in FIG. 2 is not so connected. Valve 63 in FIG. 3 does not allow for manually relieving side-loading in the manner allowed for by the present invention. Valve 22 in FIG. 3 provides automatic side-load relief but only once side-loading reaches a minimum level; valve 22 is not manually actuatable. Thus, contrary to the Examiner's assertion, Dixon does not disclose a float system having a manually actuatable control mechanism. Dixon admittedly discloses a control mechanism for controlling boom rotation, but this control mechanism is not disclosed as being part of a float system operating in conjunction with a substantially automatic side-load protection system, and therefore is not identical or even equivalent to the structure claimed in the present application.

New claim 34 is also written in Jepson format to further emphasize the patentable features of the present invention. Claim 34 clearly identifies an existing first control mechanism, corresponding to control lever or joystick 62, that is manually actuatable to control driving of the rotatably-supported body by the rotation motor, and a second control mechanism, corresponding to control mechanism 48, that is part of the float mechanism and that is manually actuatable to reduce a pressure differential between the first and second ports of the rotation motor without regard to the magnitude of the pressure differential. None of the cited prior art references, taken alone or in combination, disclose this combination of existing and new elements.

As it is believed that all claims currently pending are in allowable condition, the Applicant respectfully requests a corresponding Notice of Allowance.

In the event of any questions, the Examiner is urged to call the undersigned at 1-800-445-3460. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully Submitted,
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